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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,399	03/19/2002	Rony Zarom	Q69045	2948
23373	7590	09/08/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				TESLOVICH, TAMARA
		ART UNIT		PAPER NUMBER
		2137		

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/088,399	ZAROM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tamara Teslovich	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 8/1/06.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application                         |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ .  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 1, 2006 has been entered.

Claims 1, 5, 8, 12 and 15 are amended.

Claims 1-20 are herein considered.

### ***Response to Arguments***

Applicant's arguments filed August 1, 2006 have been fully considered but they are not persuasive. The Applicant's amendments to claims 1, 5, 8, 12 and 15 are herein considered but fail to render claims 1-20 allowable over the available prior art, namely Radia et al.

In response to the Applicant's contention that Radia does not anticipate newly amended claims 1-20 because it fails to teach or suggest the feature of analyzing information in a packet and then using that information to filter that same packet, the Examiner respectfully disagrees. Radia's method and apparatus for dynamic packet filter assignment teaches a method and apparatus for filtering IP packets based on

events within a computer network (Abstract), those events including but not limited to connection requests and logging in and out (column 3 lines 50-55). It is common knowledge that events such as connection requests rely upon the passing of packets between systems in order to authorize the passing of future information. Those packets passed from one system to the next, are then gathered and examined for information to determine where they have come from and whether or not they are to be accepted and once accepted, their final destination. Radia's packet filter system relies upon the information within the packets in order to filter them accordingly (col.4 lines 8-20).

As a result, the Examiner's previous 35 U.S.C. 102(b) rejections of claims 1-20 are amended below to address the Applicant's newly amended claims.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's repeated use of the word "obtain" in claim 1 serves to confuse exactly how values are arrived at, and where they come from. For example, in part b) of claim 1, rules are associated with at least one of a plurality of values. Subsequently, in part d) a packet is analyzed to obtain one of said values. It is unclear how those values were transferred from the initial system presorting the rules to the packet in order to be

'obtained' from the packet. Additionally, part e) of claim 1 teaches wherein a rule is selected according to the 'one value' obtained previously, in order to obtain a selected rule. However, it is unclear whether the 'selection of the rule' is the same as the 'obtaining of the rule' and why it is necessary to select and then obtain a rule in the same limitation. If it is the Applicant's intention to assign a rule, or select a rule based upon information collected from the packets, it is suggested that he rewrite the claims, replacing the word 'obtain' with a more definite word or phrase in order to clear up the ambiguities that presently exist. Independent claims 8 and 15 also include the use of the word 'obtain' and are indefinite for the same reasons as given above with respect to independent claim 1. The Examiner requests that claims 1, 8, and 15 are amended.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by**

**Radia et al., United States Patent 5,848,233.**

As per **claim 1**, Radia discloses a method for presorting a plurality of rules for filtering a packet in network, the method comprising the steps of: selecting a characteristic (detecting an event) for sorting the plurality of rules; associating each (filter) rule with at least one of a plurality of values for said characteristic; receiving the packet; analyzing information in the packet to obtain one of said values; selecting at least one of the plurality of rules according to said one value obtained by analyzing information in the received packet to obtain a selected rule; and applying said selected rule to the packet, such that the packet is permitted to enter the network or alternatively is dropped in accordance with the selected rule (col.4 lines 2-7 and 12-20).

As per **claim 2**, Radia discloses wherein the plurality of rules are presorted according to each value for said characteristic (col.6 lines 30-36).

As per **claim 3**, Radia discloses wherein said characteristic is at least one of a source address of the packet and a destination address of the packet (col.6 lines 18-19).

As per **claim 4**, Radia discloses wherein said characteristic is a combination of said source address of the packet and said destination address of the packet (col.2 lines 3-16, col.6 lines 18-19).

As per **claim 5**, Radia discloses wherein a user is associated with each value such that said associating each rule with at least one value for said characteristic further comprise assigning at least one privilege to a user and determining whether to associate each rule with said value of said characteristic according to said at least one privilege (col.3 lines 5-21).

As per **claim 6**, Radia discloses wherein said assigning at least one privilege to said user further comprises determining a user profile of associated rules according to said at least one privilege (col.3 lines 34-50).

As per **claim 7**, Radia discloses associating a user profile with a group profile, such that a plurality of values for said characteristic is associated with said associated rules of said group profile (col.3 lines 23-27; col.7 line 39 thru col.8 line29).

As per **claim 8**, Radia discloses an apparatus for presorting a plurality of rules for filtering a packet in network, wherein a characteristic (detecting an event) for sorting the plurality of rules is selected, said characteristic has a plurality of possible values, and each rule is associated with at least one value for said characteristic, the apparatus comprising: a software module for performing the operations of: analyzing information in the packet to obtain a value for said characteristic; selecting at least one of the plurality of rules according to said value obtained by analyzing information in the received packet to obtain a selected rule; and applying said selected rule to the packet, such that the packet is permitted to enter the network or alternatively is dropped in accordance with selected rule (col.4 lines 2-7 and 12-20).

As per **claim 9**, Radia discloses wherein the plurality of rules are presorted according to each value for said characteristic (col.6 lines 30-36).

As per **claim 10**, Radia discloses wherein said characteristic is at least one of a source address of the packet and a destination address of the packet (col.6 lines 18-19).

As per **claim 11**, Radia discloses wherein said characteristic is a combination of said source address of the packet and said destination address of the packet (col.2 lines 3-16, col.6 lines 18-19).

As per **claim 12**, Radia discloses wherein a user is associated with each value of said characteristic such that the software module further performs the operations of assigning at least one privilege to a user and determining whether to associate each rule with said value according to said at least one privilege (col.3 lines 5-21).

As per **claim 13**, Radia discloses wherein said assigning at least one privilege to said user further comprises determining a user profile of associated rules according to said at least one privilege (col.3 lines 34-50).

As per **claim 14**, Radia discloses associating a user profile with a group profile, such that a plurality of values for said characteristic is associated with said associated rules of said group profile (col.3 lines 23-27; col.7 line 39 thru col.8 line29).

As per **claim 15**, Radia discloses a computer program product comprising a computer usable medium having computer readable code embodied therein for presorting a plurality of rules for filtering a packet in network, the computer program product comprising computer readable program code for performing the operations of: selecting a characteristic (detecting an event) for sorting the plurality of rules, said characteristic has a plurality of possible values, associating each rule with at least one value for said characteristic, analyzing information in the packet to obtain said value; selecting at least one of the plurality of rules according to said value obtained by analyzing information in the received packet to form at least one selected rule; and

applying said selected rule to the packet, such that the packet is permitted to enter the network or alternatively is dropped in accordance with said selected rule (col.4 lines 2-7 and 12-20).

As per **claim 16**, Radia discloses wherein the plurality of rules are presorted according to each value for said characteristic (col.6 lines 30-36).

As per **claim 17**, Radia discloses wherein said characteristic is a source address of the packet (col.6 lines 18-19).

As per **claim 18**, Radia discloses wherein said characteristic is a destination address of the packet (col.6 lines 18-19).

As per **claim 19**, Radia discloses wherein said characteristic is a combination of said source address of the packet and said destination address of the packet (col.2 lines 3-16, col.6 lines 18-19).

As per **claim 20**, Radia discloses wherein a user is associated with each value of said characteristic such that said computer readable program code further comprises the operations of assigning at least one privilege to a user and determining whether to associate each rule with said value of said characteristic according to said at least one privilege (col.3 lines 5-21).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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